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Paper No. 13

CEW

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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In re Manhattan Scientifics, Inc.  
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Serial No. 75/809,670  
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James C. Wray, Esq. for Manhattan Scientifics, Inc.

Heather D. Thompson, Trademark Examining Attorney, Law  
Office 103 (Michael Hamilton, Managing Attorney).  
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Before Hairston, Walters and Bottorff, Administrative  
Trademark Judges.

Opinion by Walters, Administrative Trademark Judge:

Manhattan Scientifics, Inc. filed an application to  
register on the Principal Register the mark POWER HOLSTER  
for the goods identified below<sup>1</sup>:

Fuel cell based charging systems for charging  
and holding electronic devices using fuel cells,

<sup>1</sup> Serial No. 75/809,670, in International Class 9, filed September 24,  
1999, based on an allegation of a bona fide intention to use the mark in  
commerce.

comprising a frame, a hook for mounting the frame, a fuel cell receiver in the frame, an indicator connected to the receiver for indicating fuel cell level, circuitry and connectors connected to the fuel cell receiver for connecting a fuel cell in the receiver to a charging connection on the frame for holding the electronic device with its charging contacts connected to the connectors.

The Trademark Examining Attorney issued a final refusal to register, under Section 2(e)(1) of the Trademark Act, 15 U.S.C. 1052(e)(1), on the ground that applicant's mark is merely descriptive in connection with its goods; applicant appealed; and on January 13, 2003, the Board issued a decision affirming the Examining Attorney's refusal.

On February 12, 2003, applicant filed a request that the Board reconsider its decision. Applicant asked that the Board reweigh the evidence and argued that, while the evidence of record shows that POWER and HOLSTER are common English words, the evidence does not show any uses of the mark POWER HOLSTER; and that the Board has not cited any evidence for its decision.

The purpose of reconsideration is to point out errors made by the Board in making its decision, not to merely reargue the case or ask the Board to "reweigh" the evidence, as applicant has done. The basis for the Board's decision is clearly articulated therein and we do

Serial No. 75/809,670

not find any error in reaching that decision. Therefore, applicant's request for reconsideration is denied and the decision of January 13, 2003 stands.

*Decision:* The request for reconsideration is denied and the decision affirming the refusal under Section 2(e)(1) of the Act remains as issued.